



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,839	11/09/2007	David Holliday	2365-129	9839

6449 7590 01/15/2010
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

EKPO, NNENNA NGOZI

ART UNIT	PAPER NUMBER
----------	--------------

2425

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/15/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 10/587,839	Applicant(s) HOLLIDAY ET AL.	
	Examiner NNENNA N. EKPO	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) 25-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 47-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement filed on November 20, 2009 has been considered by the examiner (see attached PTO-1449 form).

Response to Arguments

2. Applicant's arguments with respect to claims 1-24 and 47-50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4, 7-12, 16-18 and 21-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levandowski (U.S. Patent 6,704,060) in view of Srivastava (U.S. Publication No. 2002/0194596).

Regarding **claim 1**, Levandowski discloses a media device (see fig. 1 (112)) having at least first (see fig. 1 (114)) and second media outputs (see fig. 1 (120)) and respective associated first (see fig. 1 (116)) and second control inputs (see fig. 1 (122)), the media device being arranged to select or modify media signals for output on the first and/or second media outputs in response to control signals received on either of the first and second control inputs (see col. 2, lines 42-56, fig 1); wherein the device is arranged to adopt a predetermined first or second setting as said setting according to

Art Unit: 2425

whether control signals are received respectively on said first or said second inputs (see col. 1, lines 59-col. 2, lines 23, col. 2, lines 42-col. 3, line 4, lines 49-col. 4, lines 8).

In an analogous art, Srivastava discloses the device being further arranged to apply a common setting to the media signals output on the first and second media outputs; wherein the device is arranged to adopt a predetermined first or second setting as said setting according to whether control signals are received respectively on said first or said second inputs (see paragraph 0006, lines 16-22, 0046).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Levandowski to include device being further arranged to apply a common setting to the media signals output on the first and second media outputs as taught by Srivastava for the advantage of having a unified setting.

Regarding **claim 16**, Levandowski discloses a method of setting a media output format for a media device (see fig. 1 (112)) having at least first (see fig. 1 (114)) and second media outputs (see fig. 1 (120)) and respective associated first (see fig. 1 (116)) and second control inputs (see fig. 1 (122)), the media device being arranged to select or modify media signals for output on the first and/or second media outputs in response to control signals received on either of the first and second control inputs (see col. 2, lines 42-56, fig 1); the method comprising detecting whether the control signals are received on said first or said second inputs (see col. 1, lines 59-col. 2, lines 23, col. 2, lines 42-col. 3, line 4, lines 49-col. 4, lines 8).

In an analogous art, Srivastava discloses the device being further arranged to apply a common setting to the media signals output on the first and second media outputs; and adopting respectively a predetermined first or second setting as said common setting in response to said detecting step (see paragraph 0006, lines 16-22, 0046).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Levandowski to include device being further arranged to apply a common setting to the media signals output on the first and second media outputs as taught by Srivastava for the advantage of having a unified setting.

Regarding **claims 2 and 17**, Levandowski and Srivastava discloses everything claimed as applied above (*see claims 1 and 16*). Levandowski discloses a device wherein said first and/or second settings are modifiable by a user (see col. 1, lines 42-64).

Regarding **claim 3**, Levandowski and Srivastava discloses everything claimed as applied above (*see claim 2*). Levandowski discloses a device wherein the first and second settings are modifiable by the control signals input at the first and/or second control inputs (see col. 1, lines 42-64, col. 5, lines 24-56).

Art Unit: 2425

Regarding **claims 4 and 18**, Levandowski and Srivastava discloses everything claimed as applied above (*see claims 1 and 16*). Levandowski discloses a device wherein the media signals include video signals (see col. 1, lines 67-col. 2, line 3, col. 2, lines 42-49).

Regarding **claims 7 and 21**, Levandowski and Srivastava discloses everything claimed as applied above (*see claims 1 and 16*). Levandowski discloses a device wherein the media signals include audio signals (see col. 1, lines 67-col. 2, line 3, col. 2, lines 42-49).

Regarding **claim 8**, Levandowski and Srivastava discloses everything claimed as applied above (*see claim 1*). Levandowski discloses an apparatus including a device, a media relay for conveying the media signals from the second media output to a media player at a location remote from the device, and a control relay for relaying the control signals from the remote location to the device (see col. 2, lines 42-64, fig 1 (118)).

Regarding **claim 9**, Levandowski and Srivastava discloses everything claimed as applied above (*see claim 8*). Levandowski discloses an apparatus, wherein the control relay is arranged to receive said control signals from a line-of-sight remote controller (see col. 2, lines 49-56).

Regarding **claim 10**, Levandowski and Srivastava discloses everything claimed as applied above (*see claim 9*). Levandowski discloses an apparatus wherein the media device is arranged to receive the control signals at the first control input from said line-of-sight remote controller (see col. 2, lines 49-56, fig 1 (116)).

Regarding **claim 11**, Levandowski and Srivastava discloses everything claimed as applied above (*see claim 9*). Levandowski discloses an apparatus wherein the line-of-sight remote controller is an infra-red remote control (see col. 2, lines 49-56).

Regarding **claim 12**, Levandowski and Srivastava discloses everything claimed as applied above (*see claim 8*). Levandowski discloses a media system including apparatus a first media player (fig. 1 (114)) at a first location (fig. 1 (101)), means for conveying to the first control input (fig. 1 (116)) said control signals initiated by a user from the first location, a second media player (fig. 1 (116)) at a second location (fig. 1 (102)), and means for conveying to the second control input (fig. 1 (122)) said control signals initiated by the user from the second location (see fig. 1, col. 2, lines 42-col. 3, line 4).

Regarding **claim 22**, Levandowski and Srivastava discloses everything claimed as applied above (*see claim 16*). Levandowski discloses a computer program including program steps for performing a method according to claim 16 when executed by the media device (see col. 2, lines 42-col. 3, line 4, fig 1 (112)).

Regarding **claim 23**, Levandowski and Srivastava discloses everything claimed as applied above (see *claim 22*). Levandowski discloses a computer program product comprising the computer program recorded on a carrier (see col. 5, lines 49-56, lines 57-col. 6, line 9).

Regarding **claim 24**, Levandowski and Srivastava discloses everything claimed as applied above (see *claim 22*). Levandowski discloses a broadcast signal including a computer program (see col. 6, lines 1-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5, 6, 13-15, 19, 20 and 47-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levandowski (U.S. Patent No. 6,704,060) in view of Srivastava (U.S. Publication No. 2002/0194596) and Hamaguchi et al. (U.S. Patent No. 6,104,865).

Regarding **claim 13**, Levandowski discloses a television broadcast receiver (see fig. 1 (112)) arranged to output on primary (see fig. 1 (114)) and secondary outputs (see fig. 1 (120)) a video signal (see col. 2, lines 42-64, col. 2, lines 42-col. 3, line 4, col. 3, lines 49-col. 4, lines 8, col. 5, lines 57-col. 4, line 9).

In an analogous art, Srivastava discloses having an infrared receiver for receiving control signals from a remote control (remote control, 129), and an auxiliary control input for receiving control signals from the remote control via a remote control extender (IR blaster, 138) (see paragraph 0018 and 0023), the receiver being arranged to detect whether a control signal is received by the infrared receiver or at the auxiliary control input (see paragraph 0020), and to apply selectively a first or a second video signal, dependent on said detection (see paragraphs 0021-0022).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Levandowski to include having an infrared receiver for receiving control signals from a remote control and an auxiliary control input for receiving control signals from the remote control via a remote control extender the receiver being arranged to detect whether a control signal is received by the infrared receiver or at the auxiliary control input, and to apply selectively a first or a second video signal, dependent on said detection as taught by Srivastava for the advantage of identifying which controller is sending the signal.

However, Levandowski and Srivastava fail to specifically disclose a picture format and applying selectively a first or a second said picture format to said video signal.

Hamaguchi et al. discloses a picture format and applying selectively a first or a second said picture format to said video signal (see col. 21, lines 31-42 and fig. 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the methods of Levandowski and Srivastava

Art Unit: 2425

to include a picture format and applying selectively a first or a second said picture format to said video signal as taught by Hamaguchi et al. for the advantage of reproducing both high definition and standard television signals.

Regarding **claim 47**, Levandowski and Srivastava discloses a method of applying a picture format to a video signal of a television broadcast receiver, the television broadcast receiver being arranged to output on primary and secondary outputs a video signal having a picture format common to said primary and secondary video outputs, and having an infrared receiver for receiving control signals from a remote control, and an auxiliary control input for receiving control signals from the remote control via a remote control extender, the method comprising:

Srivastava discloses detecting whether a control signal is received by the infrared receiver or at the auxiliary control input (see paragraph 0020);

apply selectively a first or a second video signal, dependent on said detection (see paragraphs 0021-0022).

In an Hamaguchi et al. discloses a picture format and applying selectively a first or a second said picture format to said video signal (see col. 21, lines 31-42 and fig. 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the methods of Levandowski and Srivastava to include a picture format and applying selectively a first or a second said picture format to said video signal as taught by Hamaguchi et al. for the advantage of reproducing both high definition and standard television signals.

Regarding **claims 5 and 19**, Levandowski and Srivastava discloses everything claimed as applied above (*see claims 4 and 18*). However, Levandowski fails to specifically disclose a device wherein the common setting comprises a picture format of the video signals.

Hamaguchi et al. discloses a device wherein the common setting comprises a picture format of the video signals (see abstract, lines 6-9, col. 2, lines 41-col. 3, line 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Levandowski and Srivastava's invention with the above mentioned limitation as taught by Hamaguchi et al. for the advantage of reproducing both high definition and standard television signals.

Regarding **claims 6, 14, 20 and 48**, Levandowski, Srivastava and Hamaguchi et al. discloses everything claimed as applied above (*see claims 5, 13, 19 and 47*). However, Levandowski fails to specifically disclose a device wherein the picture format comprises an aspect ratio.

Hamaguchi et al. discloses a device wherein the picture format comprises an aspect ratio (see col. 7, lines 26-67, col. 25, lines 60-col. 26, line 4).

Regarding **claims 15, 49 and 50**, Levandowski, Srivastava and Hamaguchi et al. discloses everything claimed as applied above (*see claims 13, 47 and 48*). Hamaguchi

Art Unit: 2425

et al. discloses a receiver wherein the first and second picture formats are selectable by a user (see col. 21, lines 31-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner, Art Unit, 2425
December 30, 2009.

Application/Control Number: 10/587,839

Page 12

Art Unit: 2425

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425